

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

Criminal Case No. 18-30001-WGY

(6) DAPHNE MOORE,

Defendant

RESPONSE TO DEFENDANT MOORE’S RENEWED MOTION  
FOR EVIDENTIARY HEARING ON DERIVATIVE EVIDENCE AND SUPPRESSION  
OF EVIDENCE DERIVED FROM FRUITS OF POLE CAMERA SURVEILLANCE

The United States of America, by and through Andrew E. Lelling, United States Attorney for the District of Massachusetts, and Katharine A. Wagner and Amy Harman Burkart, Assistant United States Attorneys, hereby respectfully responds to defendant Daphne Moore’s Renewed Motion for Evidentiary Hearing on Derivative Evidence and Suppression of Evidence Derived from Fruits of Pole Camera Surveillance (Docket Entry No. 426). The government has filed a notice of appeal of the Court’s Amended Order allowing defendant Moore’s motion to suppress pole camera evidence (Docket Entry No. 422). (*See* Docket Entry No. 427.) Consideration of defendant Moore’s Renewed Motion is therefore not ripe at this time. The government reserves the right to respond to defendant’s Renewed Motion at such time as the anticipated appellate proceedings have concluded.

Respectfully submitted,

ANDREW E. LELLING  
United States Attorney

By: /s/ Katharine A. Wagner  
KATHARINE A. WAGNER  
AMY HARMAN BURKART  
Assistant United States Attorney

Submitted: June 6, 2019

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

By: /s/ Katharine A. Wagner

KATHARINE A. WAGNER  
Assistant United States Attorney

Submitted: June 6, 2019